



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Christen M. Anderson, Robert E. Davis, William Clevenger,
Sandra Eileen Wiley, Scott W. Miller, Tomas R. Szabo and
Soumitra S. Ghosh
Application No. : 09/185,904
Filed : November 3, 1998
For : PRODUCTION OF ADENINE NUCLEOTIDE
TRANSLOCATOR (ANT), NOVEL ANT LIGANDS
AND SCREENING ASSAYS THEREFOR

Art Unit : 1643
Docket No. : 660088.420
Date : March 29, 1999

Assistant Commissioner for Patents
Washington, D.C. 20231

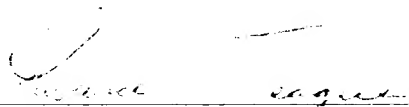
DECLARATION

Sir:

I, Lawrence Teague, in accordance with 37 C.F.R. § 1.821(f) do hereby declare that, to the best of my knowledge, the content of the paper entitled "Sequence Listing" and the computer readable copy contained within the floppy disk are the same.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated this 29th day of March, 1999.



Lawrence Teague
Legal Assistant

6300 Columbia Center
Seattle, WA 98104-7092
(206) 622-4900

#3

ASSIGNMENT

WHEREAS, we, Christen M. Anderson, Robert E. Davis, William Clevenger, Sandra Eileen Wiley, Scott W. Miller, Tomas R. Szabo and Soumitra S. Ghosh (hereinafter referred to as ASSIGNORS), having post office addresses of 756 Poinsettia Park South, Encinitas, California 92024; 13272 Glencliff Way, San Diego, California 92130; 1515 South Melrose Drive, #43, Vista, California 92083; 3195 Galloway Drive, San Diego, California 92122; 1205 Calle Fantasia, San Marcos, California 92069; 3785 Third Avenue, San Diego, California 92103 and 12334 Pathos Lane, San Diego, California 92129, respectively, are the joint inventors of an invention entitled "PRODUCTION OF ADENINE NUCLEOTIDE TRANSLOCATOR (ANT), NOVEL ANT LIGANDS AND SCREENING ASSAYS THEREFOR," as described and claimed in the specification for which an application for United States letters patent was filed on November 3, 1998 and assigned Application No. 09/185,904.

WHEREAS, MITOKOR (hereinafter referred to as ASSIGNEE), a corporation of the State of California having a place of business at 11494 Sorrento Valley Road, San Diego, California 92121, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

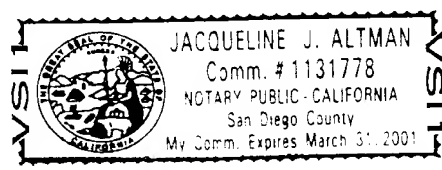
NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

1/7/99
Date
State of California
County of San Diego

Christen M. Anderson
Christen M. Anderson

SS.

I certify that I know or have satisfactory evidence that Christen M. Anderson is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.



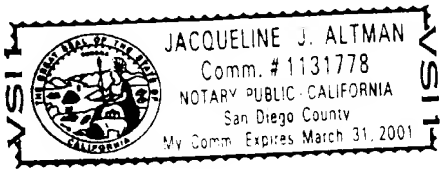
Dated January 7, 1999
Signature of Jacqueline J. Altman
Notary Public
Printed Name Jacqueline J. Altman
My appointment expires March 31, 1999

January 7, 1999
Date
State of California
County of San Diego

Robert E. Davis
Robert E. Davis

SS.

I certify that I know or have satisfactory evidence that Robert E. Davis is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



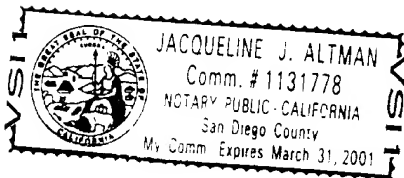
Dated January 7, 1999
Signature of Jacqueline J. Altman
Notary Public
Printed Name Jacqueline J. Altman
My appointment expires March 31, 2001

1/7/99
Date
State of California
County of San Diego

William Clevenger
William Clevenger

SS.

I certify that I know or have satisfactory evidence that William Clevenger is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



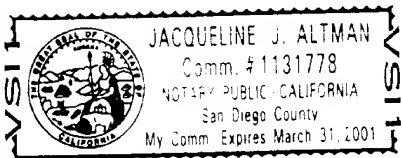
Dated January 7, 1999
Signature of Jacqueline J. Altman
Notary Public
Printed Name Jacqueline J. Altman
My appointment expires March 31, 2001 (2001)

1/11/99
Date
State of California
County of San Diego

Sandra Eileen Wiley
Sandra Eileen Wiley

SS.

I certify that I know or have satisfactory evidence that Sandra Eileen Wiley is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

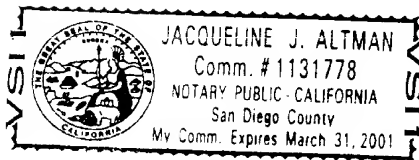


Dated January 11, 1999
Signature of Jacqueline J. Altman
Notary Public
Printed Name Jacqueline J. Altman
My appointment expires March 31, 2001

Date 1-7-99
State of California
County of San Diego

Scott W. Miller
SS.

I certify that I know or have satisfactory evidence that Scott W. Miller is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

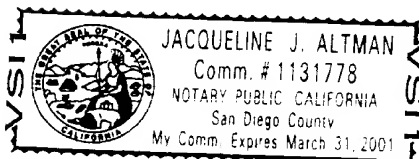


Dated January 7, 1999
Signature of Jacqueline J. Altman
Notary Public
Printed Name Jacqueline J. Altman
My appointment expires March 31, 2001 (2001)

Date 1/8/99
State of California
County of San Diego

Tomas R. Szabo
SS.

I certify that I know or have satisfactory evidence that Tomas R. Szabo is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



Dated January 8, 1999
Signature of Jacqueline J. Altman
Notary Public
Printed Name Jacqueline J. Altman
My appointment expires March 31, 2001

1/18/99
Date

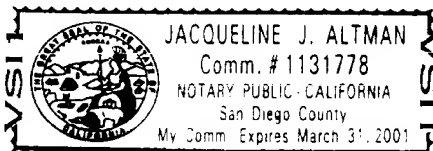
Soumitra Ghosh
Soumitra S. Ghosh

State of California

County of San Diego

SS.

I certify that I know or have satisfactory evidence that Soumitra S. Ghosh is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



Dated January 18, 1999

Signature of Notary Public Jacqueline J. Altman

Printed Name Jacqueline J. Altman

My appointment expires March 31, 2001